

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF WEST VIRGINIA BERKELEY DIVISION	
FILED	
VIVEK SHAH, pro se, Petitioner, v. UNITED STATES, Respondent.	MAY - 5 2016
Criminal Action Nos.: 5:12-172 5:13-127	
TERESA L. DEPPNER, CLERK U.S. District Court Southern District of West Virginia	
Civil Action No.: 5:15-7542	

SECOND SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO INVALIDATE
PLEA AGREEMENT

Petitioner Vivek Shah, pro se, files this second supplemental brief in support of his Motion to Invalidate Plea Agreement, Doc. 120, because he has just discovered a decision of the Fourth Circuit Court of Appeals, United States v. White, 2016 U.S. App. LEXIS 183, No. 14-4375 (4th Cir. 2016). The digital law library at Petitioner's prison law library was updated on or around March 3, 2016, at which time Petitioner discovered White, which was not previously available to him.

Petitioner incorporates by reference all arguments in his Second Supplemental Brief in Support of Motion Under 28 U.S.C. § 2255 (filed simultaneously with this brief) with respect to White's definition of "intent to extort," "intent to threaten," and arguments of innocence, in support of his arguments that the purpose of the plea agreement has been frustrated and that mutual mistake invalidates the plea agreement, with due application to the law stated in his original Brief, Doc. 121. Since it would be a duplicitous and redundant of a task to repeat the same arguments made in the Second Supplemental Brief in Support of Motion Under 28 U.S.C. § 2255 in this brief, this brief is purposely short to avoid superfluity.

Dated: April 1, 2016

Respectfully submitted,



VIVEK SHAH
43205-424
Federal Medical Center
P.O. Box 14500
Lexington, KY 40512

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was deposited in my institution's mail system, by first-class U.S. mail (in a properly addressed envelope with first-class postage duly paid) to the U.S. Attorney's Office for the Southern District of West Virginia on April 1, 2016.



VIVEK SHAH

Executed on April 1, 2016



To: U.S. District Court
Clerk of the Court
110 N Heber St.
Rm 119
Beckley WV 25801

Vivek Shah
43205-424
Federal Medical Center
P.O. Box 14500
Lexington, KY 40512

FEDERAL MEDICAL CENTER
3301 LEESTOWN ROAD
LEXINGTON, KY 40511-8799

DATE: 4-30-16

The enclosed was processed thru special mailing procedures for forwarding to you. The letter has been neither opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another addressee, please return the enclosure to the above address.